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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STIPULATION

The United States, by and through its undersigned counsel, and the defendants, by and through their counsel of record, hereby stipulate as follows:

1. By prior order, this matter was set for Preliminary Hearing on January 7, 2022.
2. By this Stipulation, the parties now move to continue the Preliminary Hearing until January 21, 2022, at 2:00 p.m.
3. The defendants made their initial appearance on December 10, 2021. The Preliminary Hearing was set for December 17, 2021. By stipulation and order, the Preliminary Hearing was continued to the present January 7, 2022 date.
4. The defendants are presently in custody pending trial in this matter.

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5. On December 14, 2021, there was an electrical fire at the SMUD substation in downtown Sacramento. As a result, a large swath of downtown Sacramento lost power, including the federal courthouse and the Sacramento County Main Jail. Because of the power outage, the federal courthouse and the jail were closed to public access.
6. In late 2021 and early 2022, there has been a surge in COVID-19 cases as a result of the Omicron variant.
7. The defendants understand that pursuant to 18 U.S.C. § 3161(b), “any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested.” Time may be excluded under the Speedy Trial Act if the Court finds that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties jointly move to exclude time within which any indictment or information shall be filed from the date of this order, through and including January 21, 2022, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), because failure to do so would “deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.”
8. Good cause exists under Rule 51(d) of the Federal Rules of Criminal Procedure

IT IS SO STIPULATED.

DATED: January 6, 2022 /s/ Justin L. Lee
JUSTIN L. LEE
Assistant U.S. Attorney

ORDER

IT IS SO FOUND AND ORDERED

Dated: January 6, 2022



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE